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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)	CASE NO. 3:24-CR-00401-WHA
13 Plaintiff,)	PROPOSED DETENTION ORDER
14 v.)	
15 LAFAYETTE DAVENPORT,)	
16 Defendant.)	
17)	

18 On July 17, 2024, a federal grand jury in San Francisco returned an indictment (Dkt. 1) charging
19 defendant Lafayette Davenport with carjacking, in violation of 18 U.S.C. § 2119(1) (Count One);
20 brandishing a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)
21 (Count Two); and being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (Count
22 Three). Defendant's initial appearance and arraignment were held on October 15, 2024. The government
23 moved for detention.

24 This matter came before the Court on October 21, 2024 for a detention hearing. Defendant
25 waived physical appearance, appeared via videoconference, and was represented by Assistant Federal
26 Public Defender Elizabeth Falk. Special Assistant U.S. Attorney Matthew Chou appeared for the
27 government. Defendant opposed the government's motion for detention. U.S. Pretrial Services filed a
28 pretrial bail report recommending detention on the grounds that defendant is both a risk of non-

1 appearance and a danger to the community (Dkt. 9). At the hearing, counsel submitted proffers and
 2 arguments regarding detention.

3 Upon consideration of the facts, proffers and arguments presented, Pretrial Services' report, and
 4 for the reasons stated on the record, *incorporated herein by reference* the Court finds (1) by a preponderance of the evidence that no
 5 condition or combination of conditions will reasonably assure the appearance of the person as required;
 6 and (2) clear and convincing evidence that no condition or combination of conditions will reasonably
 7 assure the safety of any other person or the community. Accordingly, the defendant must be detained
 8 pending trial in this matter.

9 The present order supplements the Court's findings and order at the detention hearing and serves
 10 as written findings of fact and a statement of reasons as required by Title 18, United States Code,
 11 Section 3142(i)(1). As noted on the record, the Court makes the following findings as the bases for its
 12 conclusion: the defendant presents a serious flight risk and danger to the community that cannot be
 13 mitigated by any of the proffered conditions in light of the facts presented and the seriousness of the
 14 federal charges. These findings are made without prejudice to the defendant's right to seek review of
 15 defendant's detention or file a motion for reconsideration if circumstances warrant it.

16 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

17 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
 18 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
 19 sentences or being held in custody pending appeal;

20 2. The defendant be afforded reasonable opportunity for private consultation with counsel;

21 3. On order of a court of the United States or on request of an attorney for the government,
 22 the person in charge of the corrections facility in which the defendant is confined shall deliver the
 23 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
 24 court proceeding; and

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1 4. Absent further order of the Court, the U.S. Marshals Service shall not move defendant
2 from his current pretrial detention facility (except for any necessary medical treatment or court
3 appearances), and the U.S. Marshals shall advise the Court if another facility is located.

4 **IT IS SO ORDERED.**

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6 DATED: *October 23, 2024*



Hon. PETER H. KANG
United States Magistrate Judge